

August 7, 2023

Via Electronic Filing

Sherri L. Golden, RMC
Secretary of the Board
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COMMENTS ON BPU’s PROPOSED TIMELINE EXTENSION TO QUALIFY AS AREAS OF LAST RESORT (BPU Docket Nos. EO20110730, EO21030630, EO18020190, and EO18101111)

Dear Secretary Golden:

ChargePoint, Inc. (“ChargePoint”), Electrify America, LLC (“Electrify America”), EVgo, LLC (“EVgo”), and Tesla, Inc. (“Tesla”) (“Joint EV Parties”) appreciate the opportunity to submit these joint comments in support of the New Jersey Board of Public Utilities (“BPU” or “Board”) Staff’s proposal to extend the time for an electric vehicle (“EV”) charging location to qualify as an Area of Last Resort. ChargePoint was a party in all four EV dockets referenced above. Electrify America was a party in Docket Nos. EO21030630, EO18020190, and EO18101111. EVgo was a party in Docket Nos. EO18020190, and EO18101111. Tesla was a party in Docket Nos. EO21030630, EO18020190, and EO18101111. By Board Order dated September 23, 2020, the Board established Minimum Filing Requirements (“MFRs”) and directed all electric distribution companies’ (“EDCs”) to file light duty EV charging incentive program proposals by February 28, 2021.¹ The Order also prohibited EDCs from owning or operating electric vehicle service equipment (“EVSE”) unless the EVSE is located in an “Area of Last Resort,” defined in the Board’s September 2020 Order, as “locations that have not generated private investment interest for a minimum of 12 months after the EDC program has begun, for overburdened communities, or 18 months for other areas.”²

On July 21, 2023, the BPU invited stakeholders to provide written comments regarding proposed extensions to the timelines of eligibility for EV charging Areas of Last Resort in the EDCs’ EV charging incentive programs.³ Staff recommends extending the timelines by an additional 12 months for overburdened communities and 18 months for other areas to allow for the generation

¹ In re Minimum Filing Requirements for Light-Duty Publicly-Accessible Electric Vehicle Charging, BPU Docket No. QO20050357, Order dated September 23, 2020 (the “September 2020 Order”).

² *Id.* at 21. This definition was adopted by the BPU in Docket Nos. EO20110730, EO21030630, EO18020190, and EO18101111, approving the settlement stipulations regarding the EDC’s EV programs.

³ Notice of Request for Comment in BPU Docket Nos. EO20110730, EO21030630, EO18020190, EO18101111, Notice dated July 21, 2023.

of more private investment interest before locations qualify as Areas of Last Resort. Specifically, Staff proposes a total of 24 months minimum for overburdened communities and 36 months for other areas, measured from the beginning of the EDCs' programs.

The Joint EV Parties believe Staff's proposal should be adopted as proposed given it will help stimulate innovation, competition, and customer choice in the development of the public charging market.

Supply chain challenges

Staff acknowledged in its Request for Comments that in the time since the Board established the MFRs and approved the EDCs' respective EV Programs, the EVSE market has experienced supply chain challenges that have led to long delays in the delivery and installation of EVSE.⁴ Staff further acknowledged that the supply chain-related delays in the delivery and installation of EVSE may cause charging locations to satisfy the requirements of Areas of Last Resort even though said areas may have generated private investment interest under normal market conditions.⁵ However, Staff believes the market has recently begun to return to normal delivery and installation timelines, which may generate more private investment interest in locations that do not yet have EVSE.⁶

The Joint EV Parties strongly concur with Staff that the EVSE market, as well as the broader energy industry, has been unexpectedly required to contend with significant supply chain issues, which have led to delays in the deployment of infrastructure to support EVSE energization. For example, transformer shortages are impacting projects across the country and can cause project delays up to 24 months.⁷ These delays have presumably caused EV charging locations to satisfy the requirements of Areas of Last Resort even though said areas may have generated private investment interest under normal market conditions. Going forward, the Joint EV Parties encourage Staff and the BPU to continue to monitor market conditions to determine whether additional extensions to the Areas of Last Resort timelines are necessary. Additionally, the Joint EV Parties encourage the Board to devote increased attention to the transformer issue, which will impede the achievement of New Jersey's goals for transportation electrification if left unaddressed.

NEVI funding

Staff appropriately draws attention to the federal government's recent establishment of funding for the National Electric Vehicle Infrastructure ("NEVI") Program, which will provide formula funding to states to deploy EV charging stations and establish an interconnected network to facilitate data collection, access, and reliability.⁸ New Jersey will receive \$104.4 million of this federal formula funding over the next five years to incentivize public EV charging. The NEVI Program was established after the BPU's initial Order and as such was not accounted for in the

⁴ Notice of Request for Comment in BPU Docket Nos. EO20110730, EO21030630, EO18020190, EO18101111, Notice dated July 21, 2023, at 2.

⁵ *Id.*

⁶ *Id.*

⁷ During a presentation at the National Charging Initiative's Energize! Workshop at Roadmap 2023, a representative from Edison Electric Institute shared that transformer delays may last for 5 years or more without policy intervention.

⁸ National Electric Vehicle Infrastructure (NEVI) Program, <https://www.fhwa.dot.gov/environment/nevi/>.

BPU's September 2020 Order and will be a helpful complement to EV make-ready programs approved in the state. Staff believes that this forthcoming influx of funding for public charging further necessitates Staff's proposed extension to allow private investment in the EVSE market through the NEVI Program to materialize.

The Joint EV Parties support Staff's assertion that the NEVI Program's unprecedented federal investment in EVSE infrastructure will exponentially expand private investment in EV charging locations in New Jersey and that the BPU should take said funding into consideration by approving Staff's proposed extensions to the timelines for determining Areas of Last Resort.

Recommendation

The BPU has an opportunity to respond to unexpected market conditions and adapt to private market opportunities presented by recent federal funding through the NEVI Program by expanding the times for charging locations to qualify as Areas of Last Resort. Doing so will stimulate innovation, competition, and customer choice in the public EV charging market. As such, the Joint EV Parties recommend the BPU adopt Staff's recommendation as proposed to extend the deadlines for EDCs to establish Areas of Last Resort by 12 months for overburdened communities and 18 months for other areas, thereby adjusting the time for a charging location to qualify as an Area of Last Resort that has not generated private investment interest to a minimum of 24 months after the EDC program has begun, for overburdened communities, or 36 months for other areas. The BPU should continue to reevaluate these metrics as EV charger growth continues to accelerate and pay close attention to how supply chain issues related to transformer availability and other utility grid equipment may impact deployments.

The Joint EV Parties thank the BPU for the opportunity to submit these comments. We look forward to continuing to work with the BPU and stakeholders to promote the development of the EV charging market in New Jersey.

Respectfully submitted,

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